

Serial No.: 09/882,692
Confirmation No.: 1933
Applicant: ANDERS, Carlsson
Atty. Ref.: 07574.0066.PCUS00

REMARKS:

THE PRIORITY CLAIM:

In the above referenced Action, Examiner has variously rejected the claims by reiteration of Examiner's earlier rejections under 35 U.S.C. §102 and §103 citing Spykerman 6,375,055. Further, and again, in paragraph 14 of that same Action, Examiner states several reasons why Examiner is not persuaded by Applicant's asserted priority date of December 17, 1998 thereby disqualifying Spykerman '055 as prior art against the instant application.

To that end, Applicant submits herewith a Substitute Declaration, and which remediates each and every one of the defects alleged by Examiner in paragraph 1 of the Action: namely, there are no uninitialed alterations, and the inventors' addresses are complete, for the Prior Foreign Applications, "yes" has been marked for "copy attached" as directed by Examiner, and the pending box has been marked for the status of PCT/SE99/02403 also as directed by Examiner.

The following has been previously submitted, and acknowledged by the USPTO:

1. A certified copy of the Swedish Priority Document No. 9804389-6;
2. An English translation of Swedish Priority Document No. 9804389-6, including Figures; and
3. A copy of the original filing receipt in the instant application indicating the USPTO's acknowledgment of Applicant's Swedish priority claim of December 17, 1998.

Based thereupon, Applicant again submits that the Spykerman 6,375,055 reference does not qualify as prior art under the provisions of 35 U.S.C. §102. Specifically, the Examiner will note that the earliest effective date for the Spykerman '055 reference is May 7, 1999, i.e. the earliest claimed U.S. filing date. In overcoming the Spykerman '055, Applicant asserts the priority claim to International Application No. PCT/SE99/02403, filed December 17, 1999 which designates the U.S. under 35 U.S.C. §120 and which in turn claims priority under the Paris Convention, Article 4 to Swedish Patent Application No. 9804389-6 filed December 17, 1998.

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Applicant further notes that the USPTO does not indicate an acknowledgment of Applicants' priority claim to International Application No. PCT/SE99/02403 in the action; such a notation is respectfully requested in the next issued communication from the Office.

Thus by taking into account the priority claim of the present application, the effective date for purposes of prior art in the present case (December 17, 1998) predates that of the Spykerman '055 reference (May 7, 1999). Thus, by law, the Spykerman '055 reference does not qualify as prior art and therefore cannot serve as basis for the outstanding rejections.

IN THE EVENT THAT EXAMINER IS NOT IN AGREEMENT THAT APPLICANTS' PRESENT FILING OVERCOMES THE SPYKERMAN '055 REFERENCE, EXAMINER IS RESPECTFULLY REQUESTED TO CONTACT THE UNDERSIGNED REPRESENTATIVE AT EARLIEST CONVENIENCE.

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THE REJECTIONS:

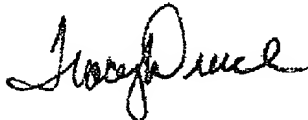
In the interest of completion, Applicant reiterates the arguments previously presented regarding Examiner's rejections.

The undersigned representative requests any extension of time that may be deemed necessary to further the prosecution of this application.

The undersigned representative authorizes the Commissioner to charge any additional fees under 37 C.F.R. 1.16 or 1.17 that may be required, or credit any overpayment, to Deposit Account No. 14-1437, referencing Order No. 07574.0066.PCUS00.

In order to facilitate the resolution of any issues or questions presented by this paper, the Examiner should directly contact the undersigned by phone to further the discussion.

Respectfully submitted,



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